

HOUSE BILL 715

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 55, relative to driving under the
influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(f), is amended by adding the word "or" after subdivision (f)(1), by designating existing subdivision (f)(2) as (f)(4), and by adding the following new subdivisions (f)(2) and (f)(3):

(2) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle has committed a violation of § 55-10-401, § 39-13-213(a)(2) or § 39-13-218, and has been previously convicted of § 55-10-401, § 39-13-213(a)(2) or § 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test.

(3) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle has committed a violation of § 55-10-401, § 39-13-213(a)(2) or § 39-13-218 and a passenger in the motor vehicle is a child under the age of sixteen (16), the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test.

SECTION 2. Tennessee Code Annotated, Section 55-10-406(f)(2), is amended by deleting from subdivision (f)(4) the language “(f)(1)” and substituting instead the language “(f)(1), (f)(2) and (f)(3).”

SECTION 3. This act shall take effect January 1, 2012, the public welfare requiring it.